

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION

Civil Action No.: 2:12-md-02327
MDL No. 2327

THIS DOCUMENT RELATES TO:

Terri Moya-Goodwin v. Ethicon, Inc., et al.
Civil Action No.: 2:14-cv-13214

Christine Badiukiewicz v. C.R. Bard, Inc., et al.
Civil Action No.: 2:15-cv-02053

Gwendria Jacobs-Mitchell v. C.R. Bard, Inc., et al.
Civil Action No.: 2:14-cv-17765

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**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR
ORDER REGARDING DISPOSITION OF NON-REVISION
GYNECARE TVT PRODUCTS CASES**

NOW COME the above-referenced Plaintiffs, by and through the undersigned counsel, and in response to the motion of the Defendants, Ethicon, Inc., and Johnson & Johnson ("Ethicon") regarding the disposition of non-revision Gynecare TVT Products Cases (ECF 5313) set forth the following:

1. On March 2, 2018, Ethicon filed Defendants' Motion for Order Regarding Disposition of Non-Revision Gynecare TVT Products Cases (ECF 5313), which proposes a disposition of cases in which the plaintiff has not undergone a revision procedure. Accompanying the motion as Exhibit A is a list of cases that Ethicon maintains are cases in which the plaintiff has a Gynecare TVT product implanted and has had no revision procedure performed.

2. On March 14, 2018, Ethicon filed a Motion to Amend Exhibit A (including Appendix 1 and 2) to Ethicon's Motion for Order Regarding Disposition of Non-Revision Gynecare TVT Product Cases (ECF 5414-1).

3. The case of Terri Moya-Goodwin v. Ethicon, Inc., et al. (*Civil Action No.: 2:14-cv-13214*) is included in Ethicon's Amended Exhibit A which lists plaintiffs who have not undergone a revision procedure. In actuality, this Plaintiff underwent a revision procedure of her Gynecare TVT device and is improperly included in Ethicon's motion. Plaintiff's counsel has informed Ethicon that this case is improperly included in Defendants' motion pertaining to non-revision cases. Plaintiff files this response to preserve her claim and avoid dismissal to the extent that Ethicon's motion is granted.

4. The cases of Christine Badiukiewicz v. C.R. Bard, Inc., et al. (*Civil Action No.: 2:15-cv-02053*) and Gwendria Jacobs-Mitchell v. C.R. Bard, Inc., et al. (*Civil Action No.: 2:14-cv-17765*) are included on Appendix 2 which lists plaintiffs that Ethicon maintains are cases in which the plaintiffs have a Gynecare TVT product implanted and have had no revision procedure performed. However, while these plaintiffs were implanted with Ethicon products, these plaintiffs do not have Gynecare TVT products. Therefore, Christine Badiukiewicz v. C.R. Bard, Inc., et al. (*Civil Action No.: 2:15-cv-02053*) and Gwendria Jacobs-Mitchell v. C.R. Bard, Inc., et al. (*Civil Action No.: 2:14-cv-17765*) are improperly included in Ethicon's motion. Plaintiffs' counsel has informed Ethicon that these plaintiffs are improperly included in Defendants' motion pertaining to non-revision TVT cases. Plaintiffs file this response to preserve their claims and avoid dismissal to the extent that Ethicon's motion is granted.

Respectfully submitted,

By: /s/ Katherine Chambers
KATHERINE CHAMBERS
Florida Bar No. 125570

ALLEY, CLARK & GREIWE
701 E. Washington Street
Tampa, Florida 33602
Phone: 813-250-0608
Facsimile: 813-229-7982
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 16, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

ALLEY, CLARK & GREIWE
Attorney for the Plaintiff
701 E. Washington Street
Tampa, Florida 33602
Phone: 813-250-0608
Facsimile: 813-229-7982

By: /s/ Katherine Chambers
KATHERINE CHAMBERS
Florida Bar No. 125570